

REMARKS

Claims 1-76 are pending. Claims 39-57 are withdrawn from consideration. Claims 1-38 and 58-76 stand rejected by the Office Action. The Applicants are amending claims 1, 10, 11, 58, 67, and 68 in this response.

The Applicants filed a first Preliminary Amendment on August 22, 2001 in which the Applicants stated that the present patent application is a continuation of U.S. Application Nos. 09/305,931, 09/306,468, 09/306,022, and 09/306,466. The Applicants filed a second Preliminary Amendment on October 28, 2002 to amend the title to "Creating a Virtual Consultant."

Claim Rejections - 35 U.S.C. §103

Claims 1-19 are rejected by the Office Action under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 5,310,349 (Daniels) in view of U.S. Patent No. 6,261,103 (Stephens).

Regarding claim 1, the Applicants have amended the claim to include the feature of "selecting a second destination within the server to interact with the one or more users." The amendment is supported by the specification as originally filed. For example, the present patent application discloses (Page 223, lines 8-21 relation to simulation server in 8050 as shown in Figure 80. Emphasis added.):

Further destinations for travelers in the virtual university are provided through label B 88040 which traverses to Figure 89. In Figure 89, an instructor loopup function is provided at function block 89010. A label BB 89030 provides direct access to a **professor's virtual office**. Decision block 89020 searches for a particular instructor (professor) name, and if the name is found, then at function block 89040, the professor's virtual office is entered and if office hours are in effect, then a student can interact with the professor in a chat room. A Frequently Asked Questions (FAQ) is provided to assist students as shown in function block 89050. Function block 89060 provides old tests, function block 89070 provides classroom issues, function block 89080 provides classroom materials, 89090 provides class handouts, function blocks 89100 provides research topics, function block 89110 provides professor office hours, and function block 89120 provides homework assignments. Finally, at label A 87020, control is passed back for **further travel through the virtual university**.

The Office Action admits that "Daniels does not explicitly disclose: selecting a second destination to interact with the one or more users and modifying the interaction parameters for

the one or more users in accordance with second destination." The Office Action also alleges that (Page 4, Section 4.):

Stephens discloses an interactive multimedia system for enabling students, teachers And administrators to interactive [interact] including a second destination and (i.e., Student home to interact with the one or more users (see figs 10 and 11 and col. 17, lines 31-67).

Stephens discloses a participant interacting with data acquisition unit 108 and a local participant at local workstation 104. Referencing figure 1 in Stephens, local workstation 104 is not within computer system 100. Stephens fails to teach or even suggest the feature of "selecting a second destination **within the server** to interact with the one or more users." (Emphasis added.)

The Applicants have similarly amended claims 10 and 11. Claim 10 includes "logic that selects a second destination within the server to interact with the one or more users." Also, claim 11 includes "a code segment that selects a second destination within the server to interact with the one or more users." Moreover, claims 2-9 ultimately depends from claim 1 and claims 12-19 ultimately depends from claims 11. Thus, claims 2-9 and 12-19 are patentable for at least the above reasons. The Applicants request reconsideration of claims 1-19.

Claims 20-76 are rejected by the Office Action under 35 U.S.C. 103(a) as allegedly being unpatentable over Daniels in view of U.S. Patent No. 6,804,489 (Stuppy).

Regarding claim 20, the Office Action admits that "Daniels is silent regarding: dynamically adding second virtual instructor." The Office Action alleges that (Page 1, Section 5.):

Stuppy discloses teacher load balancing system including dynamically adding second virtual instructor (second teacher) (see col. 7, lines 11-24). Furthermore, Stuppy teaches a teacher selection controller (e.g., a server) can select a teacher based on a teacher or student attribute. For example, a teacher proficient in a particular subject or language can be selected to teach targeted students that require commensurate level of teaching proficiency or language.

However, the Applicants believe that Stuppy cannot be considered as prior art. The present patent application is a continuation of, and claims priority to, U.S. Patent Application Nos. 09/305,931, 09/306,468, 09/306,022, and 09/306,466, each having an effective date of May 5, 1999. Stuppy claims priority to a chain of patent applications that includes U.S. Application No.

09/275,793 (now U.S. Patent No. 6,146,148) that was filed on March 25, 1999. It appears that the above cited subject matter is not disclosed or even suggested in U.S. Patent No. 6,146,148. Furthermore, all subsequent patent applications in the priority chain were filed after the effective date of the present patent application (i.e., May 5, 1999). Thus, the Office Action has not established case of *prima facie* obviousness.

Claims 29 and 30 include similar features as discussed above. Claim 29 includes "logic that dynamically adds a second virtual instructor." Also, claim 30 includes "code that dynamically adds a second virtual instructor." Moreover, claims 21-28 ultimately depend from claim 20 and claims 31-38 ultimately depend from claim 30. Thus, claims 21-28 and 31-38 are patentable for at least the above reasons. The Applicants request reconsideration of claims 20-38.

Regarding claim 58, the Applicant has amended the claim to include the feature of "updating the student profile during a simulation without disruption to the simulation." The amendment is supported by the specification as originally filed. For example, the present patent application discloses: (Page 210, lines 7-15. Emphasis added.):

First the new trainee would be required to identify themselves to the simulation. This can include any number of fields of information so that the simulation can "identify" the user and the type of training the user has had. This information is stored in a "User Profile." The simulation uses the user profile to begin a record or "User Indicia file" for the user. **Other types of information that would be automatically stored in the user Indicia file would include without limitation, past training performance, remedial training required, user preferences and help engine usage and results. Many other types of information may be stored in this Indicia file so as to fully record the user's use of the simulation.**

The Office Action admits that "Daniels does not explicitly disclose selecting based on student profile." The Office Action alleges that "Stuppy discloses a student assessment system for selecting instructional resource for a student based [on] the student profile (see col. 1, lines 39-54)." Stuppy does disclose (Page 8, lines 42-54. Emphasis added.):

As will be explained in detail below, the back-end application layer 38 provides for deliveries of student instructional materials and workbooks in accordance with an **automatically assessed student profile** of each student. The back-end application layer 38 is also responsible for **assessments and diagnoses of students to generate student profiles**. The student profiles are then used by the system to generate electronic student workbooks or instructional materials personalized for each student. In the automated assessments and diagnoses of

students, each student receives instructions directly from a computer through an interactive channel formed of one or more networks.

In accordance with the above teachings of Stuppy, an assessment test is administered to the student in order to establish or update the student's profile. Having to administer an assessment test would disrupt a simulation to the student while the student is interacting with the simulation. Thus, as amended, claim 58 is patentable over Daniels in view of Stuppy.

The Applicants have similarly amended claims 67 and 68. Claim 67 includes "logic that updates the student profile during a simulation without disruption to the simulation." Also, claim 68 includes "a code segment that updates the student profile during a simulation without disruption to the simulation." Moreover, claims 59-66 ultimately depend from claim 58 and claims 69-76 ultimately depend from claim 68. Thus, claims 59-66 and 69-76 are patentable for at least the above reasons. The Applicants request reconsideration of claims 58-76.

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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